



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/631,030

07/30/2003

Marzena Karczewska

71076

9021

23872 7590 08/18/2008
MCGLEW & TUTTLE, PC
P.O. BOX 9227
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-9227

EXAMINER

SMITH, CHENEA

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

08/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/631,030	Applicant(s) KARCZEWSKA, MARZENA	
	Examiner CHENEA P. SMITH	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to communications filed 5/15/2008. Claims 1-10 are amended. Claims 11-20 are new. Claims 1-20 are pending in this action.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "... and for sending signals ..." in line 8, and "... a signal received by the telematic network" in line 11. Claim 1 is vague because it is unclear whether "... said

Art Unit: 2623

signals...” of lines 17 and 18 are intended to refer back to the “signals” of line 8 or “a signal” of line 11.

Claim 2 recites, “ ... said signals ...” in lines 2-4. Claim 2 is vague because it is unclear whether “ ... said signals...” are intended to refer back to the “signals” of Claim 1, line 8 or “a signal” of Claim 1, line 11.

Appropriate correction is required.

In order to advance prosecution on the merits, Claims 1 and 2 have been interpreted as the “said signals” mentioned above being referenced back to the “signals” of Claim 1, line 8.

Any claim not specifically addressed above is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 9-11 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Shah-Nazaroff et al. (US6671880, hereinafter Shah-Nazaroff).

Regarding claims 1, 11, 15-17 and 20, Shah-Nazaroff discloses an apparatus for displaying images on a screen (entertainment system 100, see Fig. 1), in particular for displaying images relevant to advertisements, commercials, marks, slogans and information on a television screen (entertainment programs (commercials) 102, see Fig. 1), the apparatus comprising:

a means for connecting to a television set comprising a tuner (tuner 628, see Fig 6),

a means for storing data and/or programs relevant to advertisements, commercials, marks, slogans and information (see col 3, lines 34-61),

a means for connecting to a telematic network (see col 6, lines 41-59),

a means for data processing (processor 602, see Fig. 6) and for sending signals to the television set via the means for connecting to the television set (see col 4, line 59 – col 5, line 5),

the signals corresponding to advertisements, commercials, marks, slogans and information (entertainment programs (commercials) 102, see Fig. 1) based on a preset program (computed interest potential indices, see col 4, lines 31-34) and/or a signal received by the telematic network (see col 5, lines 30-35),

the means for data processing (processor 602, see Fig. 6) being connected to the means for connecting to a television set (see Fig. 6),

the means for data processing (processor 602, see Fig. 6) being connected to the means for storing data and/or programs (see Figs. 5 and 6) and to the means for connecting to a telematic network (see Figs. 5 and 6),

the means for data processing (processor 602, see Fig. 6) receiving channel or broadcasting data (see col 6, lines 41-59) via the tuner (tuner 628, see Fig. 6), the channel or

Art Unit: 2623

broadcasting data corresponding to a channel or a broadcast displayed on the television set (see col 5, lines 6-8),

the tuner (tuner 628, see Fig. 6) sending the signals to the television based on a frequency of the channel or the broadcast displayed on the television set (see col 5, lines 6-8), the signals being stored (see col 9, lines 10-11) in the means for storing data and/or programs (see col 3, lines 34-61).

Regarding claim 2, Shah-Nazaroff discloses means for storing data and/or programs (see col 9, lines 10-11) comprises a hard disk (see col 7, line 50 – col 8, line 5), the hard disk storing the signals (see col 7, line 50 – col 8, line 5 and col 9, lines 10-11), the signals being based on viewing characteristics of a user of the television set (see col 3, lines 34-61),

the data processing means (processor 602, see Fig. 6) sending the signals to the television set via the tuner such that the advertisements, commercials, marks, slogans and information of replace advertisements, commercials, marks, slogans and information associated with the channel or broadcast displayed on the television set (see col 4, line 59 - col 5, line 5).

Regarding claim 3, Shah-Nazaroff discloses means for storing data and/or programs (see col 9, lines 10-11) comprises a hard disk (see col 7, line 50 – col 8, line 5).

Regarding claim 4, Shah-Nazaroff discloses means for storing data and/or programs (see col 9, lines 10-11) comprises a means for detecting filmed sequences displayed by the television set of a user (see col 5, lines 30-35), the filmed sequences corresponding relevant to advertisements, commercials, marks, slogans and information viewed by the user and relevant user watching data (see col 5, lines 30-35).

Regarding claim 5, Shah-Nazaroff discloses means for connecting to the telematic network comprises a wire network type connection (see col 6, lines 41-59).

Regarding claim 6, Shah-Nazaroff discloses means for connecting to the telematic network comprises a wireless type connection (see col 6, lines 41-59).

Regarding claims 9, 13 and 19, Shah-Nazaroff discloses means for storing data and/or programs (see col 9, lines 10-11) stores digital images and filmed sequences (see col 6, lines 25-59).

Regarding claim 10, Shah-Nazaroff discloses the apparatus is permanently located in the television set (see col 3, lines 36-30).

Regarding claims 14 and 18, Shah-Nazaroff discloses a control station (see col 6, lines 41-59) located at a remote location from the television set (see col 6, lines 41-59).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shah-Nazaroff (previously cited), as applied to claim 1 above, and further in view of Siann (of record).

Regarding claim 7, Shah-Nazaroff does not specifically disclose means for connecting to the telematic network is a GSM type connection, the GSM type connection receiving SMS type signals.

In an analogous art, Siann discloses means for connecting to a telematic network of GSM type with reception of signals of SMS type (see [0042], lines 7-9).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Shah-Nazaroff's system to include means for connecting to a telematic network of GSM type with reception of signals of SMS type, as disclosed by Siann, for the advantage of providing a user with the capability of receiving data and/or programming via multiple transmission methods.

9. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah-Nazaroff (previously cited), as applied to claims 1 and 11 above.

Regarding claims 8 and 12, Shah-Nazaroff does not specifically disclose a disabling button. However, the Examiner takes Official Notice that it is very common and well known in the art to provide an apparatus including a disabling, i.e., power button for the advantage of conserving energy.

Therefore, it would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Shah-Nazaroff's system to include a disabling button because it is typical in the art to do so for the advantage of conserving energy.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENEA P. SMITH whose telephone number is (571)272-9524. The examiner can normally be reached on Monday through Friday, 7:30 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chenea P. Smith/
Examiner, Art Unit 2623

/Hunter B. Lonsberry/
Primary Examiner, Art Unit 2623